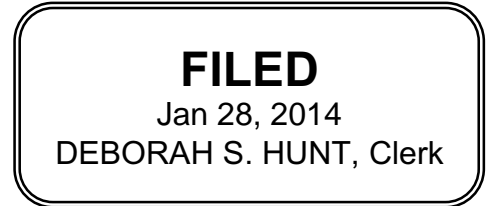


No. 13-2603

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT



P-J COTTER, )  
 )  
Plaintiff-Appellant, )  
 )  
v. )  
 )  
GMAC MORTGAGE, LLC, )  
 )  
Defendant-Appellee. )  
 )  
 )

O R D E R

Before: MOORE and GILMAN, Circuit Judges; GRAHAM, District Judge.\*

This matter is before the court upon consideration of the motion to dismiss the appeal filed by GMAC Mortgage, LLC (“GMAC”). GMAC argues that the notice of appeal, filed on November 21, 2013, was not filed within the thirty-day period required by Federal Rule of Appellate Procedure 4(a) because it was filed more than 100 days after the district court entered judgment in GMAC’s favor on August 2, 2013. P-J Cotter has filed a response to the motion to dismiss, but it does not address the timeliness issue. Rather, Cotter argues that GMAC’s attorneys are in noncompliance with Federal Rule of Civil Procedure 11 and various Sixth Circuit Rules.

The documents before the court indicate that Cotter is a Michigan resident who filed a civil action against GMAC in the Saint Clair County Circuit Court to halt foreclosure proceedings on a vacant lot he owns. GMAC removed Cotter’s case to the United States District Court for the Eastern District of Michigan because Cotter asserted claims under the Fair Debt

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\*The Honorable James L. Graham, United States District Judge for the Southern District of Ohio, sitting by designation.

No. 13-2603

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Collection Practices Act (15 U.S.C. § 1692g), and the Real Estate Settlement Procedures Act (12 U.S.C. § 2605). On June 17, 2013, a magistrate judge entered a report and recommendation to grant GMAC's motion to dismiss Cotter's complaint. The district court adopted the magistrate judge's report and recommendation and entered judgment dismissing the complaint on August 2, 2013. Cotter's time-tolling motion for reconsideration was denied by order entered on August 12, 2013. On August 19, 2013, Cotter filed a "Verified Motion To Stay Any And All Further Orders, Decrees or Judgments," which the district court denied by order entered on October 24, 2013. On November 21, 2013, Cotter filed a notice of appeal "from ORDER DENYING AS MOOT PLAINTIFF'S VERIFIED MOTION TO STAY ANY AND ALL FURTHER ORDERS DECREES OR JUDGMENTS . . . entered in this action on the 24<sup>th</sup> day of October, 2013."

"[A] court of appeals has jurisdiction only over the areas of a judgment specified in the notice of appeal as being appealed." *JGR, Inc. v. Thomasville Furniture Indus., Inc.*, 550 F.3d 529, 532 (6th Cir. 2008). Cotter's notice of appeal specifically stated that he appeals the "ORDER DENYING AS MOOT PLAINTIFF'S VERIFIED MOTION TO STAY ANY AND ALL FURTHER ORDERS DECREES OR JUDGMENTS . . . entered in this action on the 24<sup>th</sup> day of October, 2013." The district court's August 2, 2013, judgment dismissing Cotter's complaint is not designated anywhere in the notice of appeal. Thus, Cotter filed a limited notice of appeal, which vests this court with jurisdiction over only the October 24, 2013, order.

Accordingly, GMAC's motion to dismiss is denied. Only issues regarding the October 24, 2013, order may be raised on appeal.

ENTERED BY ORDER OF THE COURT



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Deborah S. Hunt, Clerk

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt  
Clerk

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POTTER STEWART U.S. COURTHOUSE  
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Filed: January 28, 2014

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Re: Case No. 13-2603, *P-J Cotter v. GMAC Mortgage, LLC*  
Originating Case No. : 2:12-cv-15382

Dear Mr. Cotter and Counsel,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Louise Schwarber  
Case Manager  
Direct Dial No. 513-564-7015

cc: Mr. David J. Weaver

Enclosure